

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
18 CVS 014001

COMMON CAUSE, *et al.*

*Plaintiffs,*

v.

Representative DAVID R. LEWIS,  
in his official capacity as Senior  
Chairman of the House Select  
Committee on Redistricting, *et al.*,  
*Defendants.*

ORDER ON LEGISLATIVE  
DEFENDANTS' MOTION  
TO ISSUE DIRECTION  
TO PLAINTIFFS

THIS MATTER comes before the undersigned upon Legislative Defendants' Motion for the Court to Issue Direction to Plaintiffs Regarding Privileged Documents Within their Possession and Control, filed August 30, 2019.

On July 12, 2019, the Court granted non-party Geographic Strategies's request to inspect the Hofeller files, and allowed it until August 30, 2019 to provide the Court with an itemization of all files to which it claims ownership or other claim of right and contends ought to be treated as confidential. On August 30, 2019, Geographic Strategies filed this itemization. Also on August 30, 2019, Legislative Defendants filed their own list of files which they believe are privileged or constitute work product, and now request that this Court designate these files as confidential and direct Plaintiffs to destroy any privileged files in their possession and control. On September 13, 2019, Plaintiffs filed a response opposing Legislative Defendants' motion.

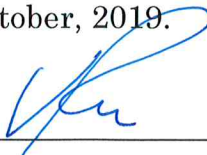
After considering Legislative Defendants' motion to issue direction and the matters contained therein, as well as the parties' briefs, and having reviewed the

record proper, the Court, in its discretion, declines to grant Legislative Defendants' requested relief.

Legislative Defendants' present motion mirrors requests it previously made at an earlier stage in this litigation that were denied by the Court. On June 6, 2019, Plaintiffs filed a motion requesting that this Court direct Legislative Defendants to stop purporting to designate the entirety of the files as highly confidential and stop demanding that Plaintiffs return and destroy the files in their entirety. Legislative Defendants, in their June 17, 2019, brief in opposition to Plaintiffs' motion, requested that this Court order Plaintiffs to disclose the extent of their review of the files and divest themselves of the files. In its order issued on July 12, 2019, the Court noted that Legislative Defendants' delay in bringing its concerns regarding the confidentiality of the files before the Court contributed to any prejudice they claimed to have suffered, and therefore denied Legislative Defendants' requested relief at that late stage of the litigation. For the same reasons, Legislative Defendants' current motion is denied.

WHEREFORE, the Court, for the reasons stated herein and in the exercise of its discretion, hereby ORDERS that Legislative Defendants' Motion to Issue Direction is DENIED.

SO ORDERED, this the 3<sup>rd</sup> day of October, 2019.

A handwritten signature in blue ink, appearing to read "V. Rozier", is written over a horizontal line.

Vince M. Rozier, Jr., Superior Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on the persons indicated below by electronic mail, addressed as follows:

Edwin M. Speas, Jr.  
Caroline P. Mackie  
POYNER SPRUILL LLP  
espeas@poynerspruill.com  
cmackie@poynerspruill.com  
*Counsel for Common Cause, the North Carolina Democratic Party, and the Individual Plaintiffs*

R. Stanton Jones  
David P. Gersch  
Elisabeth S. Theodore  
Daniel F. Jacobson  
ARNOLD & PORTER KAYE SCHOLER LLP  
Stanton.jones@arnoldporter.com  
David.gersch@arnoldporter.com  
Elisabeth.theodore@arnoldporter.com  
Daniel.jacobson@arnoldporter.com  
*Counsel for Common Cause and the Individual Plaintiffs*

Marc E. Elias  
Aria C. Branch  
Abha Khanna  
PERKINS COIE LLP  
melias@perkinscoie.com  
abbranch@perkinscoie.com  
akhanna@perkinscoie.com  
*Counsel for Common Cause and the Individual Plaintiffs*

Phillip J. Strach  
Thomas A. Farr  
Michael McKnight  
Alyssa Riggins  
OGLETREE DEAKINS NASH SMOAK & STEWART PC  
Phillip.strach@ogletreedeakins.com  
Tom.farr@ogletreedeakins.com  
Michael.mcknight@ogletreedeakins.com  
Alyssa.riggins@ogletree.com  
*Counsel for Legislative Defendants*

Richard Raile  
Mark Braden  
Trevor Stanley  
Katherine McKnight  
Elizabeth Scully  
BAKER & HOSTETLER LLP  
rraile@bakerlaw.com  
mbraden@bakerlaw.com  
tstanley@bakerlaw.com  
kmcknight@bakerlaw.com  
escully@bakerlaw.com  
*Counsel for Legislative Defendants*

Stephanie A. Brennan  
Amar Majmundar  
Paul Cox  
NC DEPARTMENT OF JUSTICE  
sbrennan@ncdoj.gov  
amajmundar@ncdoj.gov  
pcox@ncdoj.gov  
*Counsel for the State of North Carolina and members of the State Board of Elections*

Katelyn Love  
NC STATE BOARD OF ELECTIONS  
legal@ncsbe.gov  
*Counsel for the State Board of Elections*

John E. Branch, III  
Nathaniel J. Pencook  
Andrew D. Brown  
SHANAHAN LAW GROUP PLLC  
jbranch@shanahanlawgroup.com  
npencook@shanahanlawgroup.com  
abrown@shanahanlawgroup.com  
*Counsel for Defendant-Intervenors*

This the 3<sup>rd</sup> day of October, 2019.



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Kellie Z. Myers

Trial Court Administrator – 10<sup>th</sup> Judicial District  
kellie.z.myers@nccourts.org